

COMMONWEALTH OF KENTUCKY

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BEFORE THE PUBLIC SERVICE COMMISSION

DEC 10 2004

In the matter of:

PUBLIC SERVICE  
COMMISSION

AN ADJUSTMENT OF THE GAS AND )  
ELECTRIC RATES, TERMS, AND CONDITIONS ) CASE NO.  
OF LOUISVILLE GAS AND ELECTRIC ) 2003-00433  
COMPANY )

AND

AN ADJUSTMENT OF THE ELECTRIC RATES, ) CASE NO.  
TERMS, AND CONDITIONS OF KENTUCKY ) 2003-00434  
UTILITIES COMPANY )

**ATTORNEY GENERAL'S REPLY TO LG&E'S RESPONSE TO MOTION TO  
EXTEND DEADLINE FOR ATTORNEY GENERAL'S REPORT**

Comes the Attorney General, Gregory D. Stumbo, by counsel and in reply to LG&E's Response to the Attorney General's Motion to Extend Deadline for Attorney General's Report states as follows:

The Attorney General has requested an extension of time to permit him, *inter alia*, to review over 15,000 pages of LG&E corporate credit card statements that were received by the Attorney General on December 2, 2004, the same date the PSC issued its Order. The PSC was presumably unaware that these American Express documents had not yet been provided, a misimpression that may have been created by LG&E's November 22 filing with the PSC stating that LG&E's production was complete. However, LG&E's opposition to the Attorney General's reasonable request to extend the PSC's December 17 deadline to review these records, which the AG obtained only after overcoming LG&E's Motion for Protective Order, is patently unreasonable. What seems clear is that

LG&E, having failed to prevent the Attorney General from obtaining these records in the Franklin Circuit Court, now wishes to prevent the Attorney General from using them in the investigation in the rate case in any meaningful way. It would clearly be impossible to conduct a thorough review of the documents and any follow up investigation before December 17 - 1 week hence. LG&E's justification for its opposition -- that LG&E has produced all documents necessary to the investigation -- is highly misleading. Obviously review of the documents produced by third parties is critical to meaningful investigation of this matter. It is not LG&E's place to determine what documents are necessary for the investigation. LG&E's record of opposing document production and subpoena requests in this proceeding are evidence of its primary goal of ending the investigation prematurely.

Accordingly, and for the reasons hereinabove and previously stated, the Attorney General respectfully requests that the Commission modify its order to extend the Attorney General's deadline until six weeks after the final document production is made or January 31, 2005 whichever is later.

Respectfully submitted,

GREGORY D. STUMBO  
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing Reply to LG&E's Response to Motion to Extend Deadline was served upon the parties in the attached service list by first class mail on this the 10<sup>th</sup> day of December, 2004.

Jodd Leatherman / ce  
Assistant Attorney General